Social Services Appeal Board of Saskatchewan

Annual Report 2013 - 2014

Letter of Transmittal

Honourable Donna Harpauer
Minister of Social Services

Dear Ms. Harpauer:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2014.

Pat Cooper
Co-Chairperson

Rita D. Crone
Co-Chairperson

Preface

The Annual Report, presented to the Minister of Social Services provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2013 to March 31, 2014.

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Introduction

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the Regulations pertinent to Saskatchewan Assistance Plan (SAP), Saskatchewan Assured Income for Disability (SAID) and Transitional Employment Allowance (TEA).

Legal authority is provided by the *Department of Social Services Act R.S.D. 1978*, Section 10; the *Saskatchewan Assistance Act R.S.S. 1966*, Section 14(1)(m)(n), 15-18; the *Saskatchewan Assistance Regulations*, Section 43; the *Saskatchewan Assured Income for Disability*, Section 37; the *Transitional Employment Assistance Regulations*, Section 31 & 32.

Appeals to the ***Social Services Appeal Board*** are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has made a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Regional Appeal Committee. Depending on the decision of the Regional Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the Ministry may appeal to the Court of Queen's Bench. Clients may also contact the Ombudsman. The Ombudsman cannot change the decision of the board, but can conduct a review and may make recommendations to the ***Social Services Appeal Board*** or the Ministry.

Members of the Board 2013 -2014

The Co-Chairpersons and Board Members are independent of the Ministry of Social Services.

Appointments are made by Minister's Order.

Gloria Edwards is the appeal coordinator in Regina.

Susan Ferguson is the appeal coordinator in Saskatoon.

P. Cooper and R. Crone - Co-Chairpersons -
C. Froehlich
J. Lightheart
J. Moser
R. Schellenberg
M. Wallace
J. Leger
N. Osborne
R. Bellamy
C. Coward
G. Dauk
B. Irwin

Location of Hearings

Regional hearings are held by Regional Appeal Committees in the major centres in each region. The five regions are Northwest, Northeast, Centre, Southwest and Southeast of the province. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to five members. A quorum is three members. During the past year, the Ministry of Social Services approved that provincial appeals may be heard outside of Regina and Saskatoon, when logistically reasonable.

The chairperson, or designate, attends all appeal hearings and conveys in writing to clients the decisions made by the Appeal Board within one week of the hearings. The Board may adjourn and defer a decision if it requires more information. The Board does not require consensus, but does require a majority decision. As part of the decision, the client is always advised of the rationale behind the Board's decision.

Board members consider themselves obliged to adhere to the Regulations of SAP, SAID and TEA; but believe they have some flexibility in dealing with the internal policy guidelines.

The Board has access to outside legal counsel and on occasion seeks advice regarding decisions.

Co-Chairperson's Comments

The 2013-2014 annual report of the Social Services Appeal Board is available on-line at www.socialservices.gov.sk.ca/13-14-ssappealboard.pdf

The Social Services Appeal Board and Regional Appeal Committees saw a return to lower numbers of appeals after a period of rapid change in the previous year brought on by the implementation of the Saskatchewan Assured Income for Disability program (SAID). The Board believes that both the SAID program and changes to the shelter allowance have helped to lower the number of appeals being heard. Those two factors impact on many of the appeal issues, however, there is a continuing need for the appeal process on issues that are unique to the individuals involved.

The Board and Committees continue to benefit from the ongoing dialogue with the Ministry provided by the semi-annual Appeal Chair meetings. The information shared provides valuable training and feedback to all of the participants of the meetings. The continued efforts of the Ministry to encourage and provide training to all Board and Committee members is acknowledged and appreciated.

This year the Board Chairs formally invited feedback from the Regional Appeal Committees for the Social Services Appeal Board annual report. As a result of this process there were two suggestions brought forward, that appear to tie together. One of those comments was the ongoing need for a strong system of advocacy to be available to people who access services from the Ministry of Social Services. Part of that need for advocacy is to ensure that individuals fully understand the rights and responsibilities that come with the services.

Co-Chairperson's Comments ..... continued

This fits with the second part of the comments that the Ministry continue their efforts to use "clear, simple and sensitive language" in communication with individuals who are accessing the Ministry's services; and that an experienced advocate can help guide people through the process of appeal, or avoid the need for appeal by being able to explain the situation.

In the 2013-2014 year the Board received a total of 83 provincial appeal requests. Six requests were denied and eight requests were withdrawn prior to appeal. The Appeal Board held a total of 34 meetings with 19 meetings scheduled in Regina and the remaining 15 meetings scheduled in Saskatoon. Of the scheduled 69 provincial appeals, 41 were heard in Saskatoon and 28 were heard in Regina. A total of 314 regional appeals were heard by Regional Appeal Committees province wide with the greater number of these appeals being heard by the Southwest and Centre Regional Appeal Committees. A total of 22.7% of the regional appeal decisions made favoured the client.

An area of appeal that appears regularly is the handling of costs for clients who choose to live in smaller centres or in areas without services. These services may be medical supports, transportation, home maintenance and or utilities. The utilities may or may not be available from local municipalities. When the Board hears appeals on these matters it usually centres on the cost of providing these services or utilities (such as wood and water). The clearer the definition outlined in Ministry policy on these allowable costs, the more likely outcomes will be consistent with that policy.

Co-Chairperson's Comments

..... continued

In the opening paragraph of these comments it was noted that many of the appeals are unique to the individuals affected. It is the observation of the Board that these unique issues are important to the people affected as well as an opportunity for the Board, Committees and Ministry to examine the impact of Ministry policy, regulation and action on the lives of individuals. The Social Services Appeal Board believes that the appeal process is an important opportunity to ensure the desired results are being achieved, and that the Ministry shares in this view.

Table 1 - Statistics

Number of Regional and Provincial Appeals
2007 – 2008 to 2013 - 2014

	Regional	Provincial
2007 – 2008	385	127
2008 – 2009	415	127
2009 – 2010	370	95
2010 – 2011	454	108
2011 - 2012	319	115
2012 - 2013	440	161
2013 - 2014	314	83

2013 – 2014

- Regional numbers do not include denied or withdrawn.
- Provincial numbers include 6 denied and 8 withdrawn.

Table 2 - Regional Appeals

Location and Disposition 2013 - 2014

Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Ministry	Total
Southwest	20	69	89
Southeast	3	13	16
Centre	21	78	99
Northeast	7	50	57
Northwest	7	46	53
Total	**58**	**256**	**314**

The decision favoured the client 22.7 % of the time.

Note: Totals may not balance because one appeal may result in more than one decision.

Table 3 - Provincial Appeals

Source of Provincial Appeals
2013 - 2014

Region	Appealed by Client	Appealed by Ministry	Total
Southwest	26	3	29
Southeast	3	0	3
Centre	24	4	28
Northeast	12	0	12
Northwest	10	1	11
Total	**75**	**8**	**83**

Note: 6 requests for appeals were denied
8 appeals were withdrawn
2 requests were appealed by both Client and Ministry

Table 4 - Provincial Appeals
Summary by Region
2013 - 2014

Region	Client Sourced Appeals		Ministry Sourced Appeals	
	Decision for Client	Decision Against Client	Decision for Ministry	Decision Against Ministry
Southwest	1	22	2	1
Southeast	0	2	0	0
Centre	3	15	2	2
Northeast	5	5	0	0
Northwest	7	3	0	1
Total	**16**	**47**	**4**	**4**

The number of appeals received and the number of decisions is not equal due to denials and withdrawals.

Table 5 (A) - Social Services Appeal Board

Appeals by Reason 2013 – 2014

Segments represent the SAP, SAID and TEA Regulation appealed

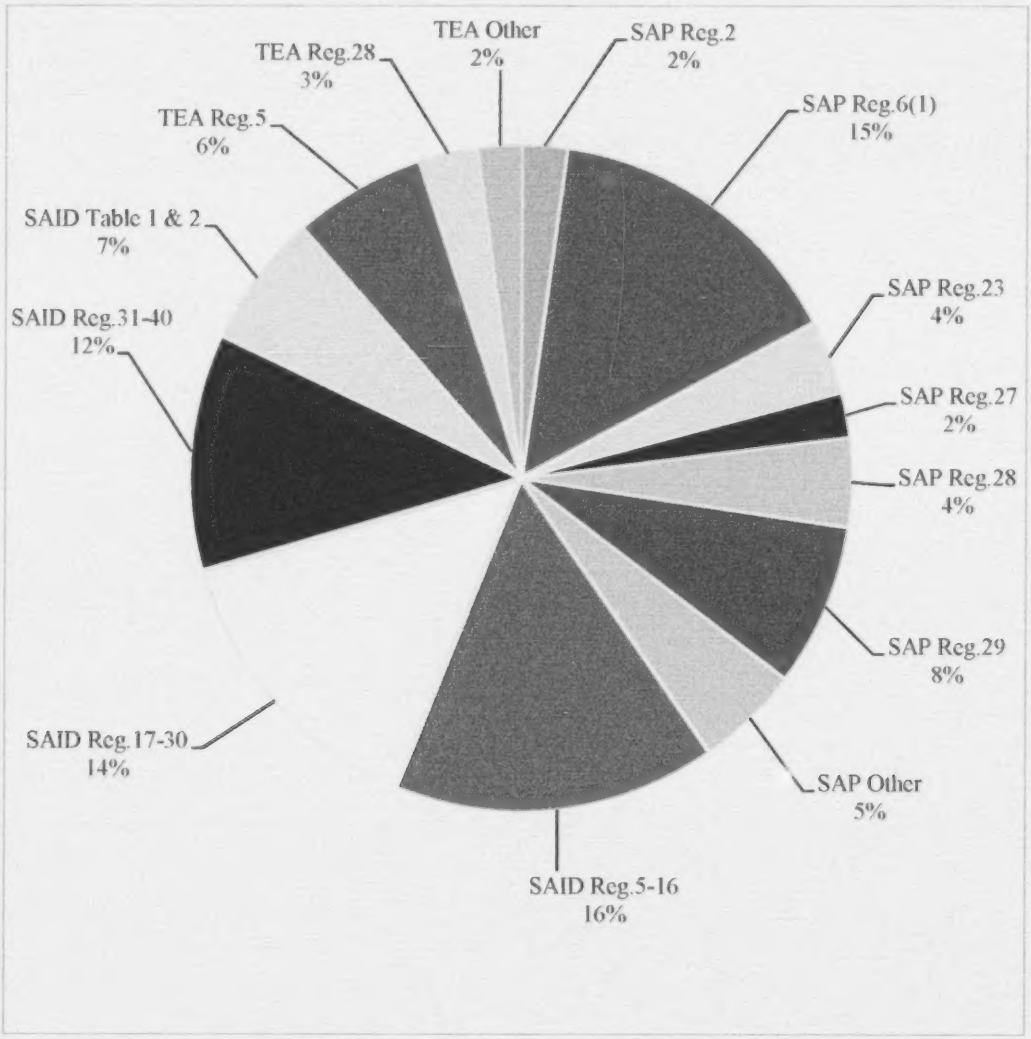

Table 5 (B) - Social Services Appeal Board
Appeals by Reason 2013 – 2014
Definition of the SAP, SAID and TEA Regulation appealed

Social Assistance Program	
SAP Reg. 2	• Interpretation - Delegation
SAP Reg. 6(1)	• Responsibilities of the recipient as a condition of eligibility
SAP Reg. 23	• Change in circumstances
SAP Reg. 27	• Special needs
SAP Reg. 28	• Financial resources and exempt income
SAP Reg. 29	• Eligibility and determining financial resources
SAP Other	• Application, eligibility, determining amount of assistance
Saskatchewan Assured Income for Disability	
SAID Reg. 5 to 16	• Eligibility, approval or denial
SAID Reg. 17 to 30	• Benefits
SAID Reg. 31 to 40	• Report of changes, reviews and appeals
TABLE 1 and 2	• Income/Asset exemptions and benefits
Transitional Employment Allowance	
TEA Reg. 5	• Eligibility of applicant
TEA Reg. 28	• Termination of payment
TEA Other	• Interpretation, budget deficit, reporting changes

Table 6 - Appeal Board Meetings
Provincial Appeals Heard in Regina and Saskatoon

2009-2010 to 2013-2014

	Regina Meetings	Cases Heard	Saskatoon Meetings	Cases Heard
2009 – 2010	19	36	23	58
2010 – 2011	16	30	25	64
2011 - 2012	13	24	20	81
2012 - 2013	19	80	22	69
2013 - 2014	19	28	15	41

Table 7 - The Provincial Ombudsman

Clients who are dissatisfied with the decision of the Social Services Appeal Board may also contact Ombudsman Saskatchewan. The Ombudsman cannot change the decision of the board, but can conduct a review. The Ombudsman may make recommendations to the Social Services Appeal Board or the Ministry to resolve the matter for individual clients and to implement best practices in order to better resolve matters in the future.

Statistics for 2013 – 2014

The following statistics reflect the number of complaints received and closed by the Ombudsman on individual appeal matters. Please note that the number of complaints received may not match the total number of complaints closed because some may be carried over into the next year. It is also possible for a single complaint to contain several issues, each of which may be resolved differently, so this may also increase the number of complaints closed.

Complaints Received	Total Complaints Closed	Complaints Closed as Situation Improved	Complaints Closed as Resolved	Complaints Closed as Not Resolved	Complaints Closed as Recommendations Made	Complaints
9	9	3	3	1	0	2